

**EXHIBIT G**

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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JANNIE PILGRIM, GIOVANNA HENSON, JESAN

SPENCER and BRENDA CURTIS,

Plaintiffs,

- against -

CASE NO.: 07CIV 6618

THE MCGRAW-HILL COMPANIES, INC.,

Defendant.

-----X

ORIGINAL

DEPOSITION OF SHEILA O'NEILL, taken by

Plaintiffs, pursuant to Notice on Friday, February

29, 2008, commencing at 9:36 a.m., before Chandra D.

Brown, a Registered Professional Reporter and Notary

Public within and for the State of New York.

1 S. O'Neill

2 Q Did you ask him if he did it over the  
3 phone?

4 A I asked him where and he said in his  
5 office.

6 Q Did he say who was present?

7 A He said Jesan and maybe Sheila Mitchell.

8 Q You said he stopped that conduct, the  
9 conduct of using the words "oh, shit" in their  
10 presence; is that correct?

11 MR. RASIN: Objection.

12 A Yes.

13 Q How do you know he stopped?

14 A Because in April when I spoke with Jesan,  
15 I asked her, How, you know, was it going? And she  
16 told me the cursing had stopped.

17 Q You spoke with her after April?

18 A Not specifically about that behavior. We  
19 spoke in March. I checked into it. I followed up  
20 in April and asked her.

21 Q Do you know whether it continued in May?

22 A I don't know.

23 Q Did you ask her as a follow-up?

24 A No, because she had told me it had  
25 stopped.

1 S. O'Neill

2 to Maryanne Gatinella?

3 A I don't recall.

4 Q Please take a look at what we've marked as  
5 Exhibit Number 5.

6 Before I ask you to identify that  
7 document, as we sit here today, do you think that  
8 your notes of your conversation with Jannie Pilgrim  
9 would have been helpful to any investigation  
10 concerning her complaints in this matter?

11 A I think any -- yes.

12 Q Looking at this document which we just  
13 asked you to look at, and you looked at thoroughly,  
14 had you seen this document before?

15 A Yes.

16 Q What is it?

17 A It's the exit interview form that was  
18 completed by Giovanna Henson.

19 Q I draw your attention to what is  
20 Bates-stamped 3889, and she says, "Had I been given  
21 an opportunity to grow professionally and develop, I  
22 would have never left the McGraw-Hill Companies. My  
23 experiences at the company have shown me that  
24 African-Americans and other minorities have not been  
25 treated fairly in regard to promotions and

1 S. O'Neill

2 development. This directly impacts professional  
3 development and compensation. I pursued a higher  
4 degree to further my career path at the McGraw-Hill  
5 Companies.

6 I pursued a master's degree in Human  
7 Resources, management and labor relations at the  
8 New York Institute of Technology; however, I was  
9 denied six or more opportunities at the McGraw-Hill  
10 Companies. Most of the times, I was never given a  
11 clear explanation as to why I was denied the  
12 positions that I applied for. I've been an employee  
13 of the McGraw-Hill companies for eight years, and I  
14 feel that there should have been some type of  
15 follow-up, especially since I was an internal  
16 candidate. Many times this was not the case."

17 Had you seen that before today?

18 A Yes.

19 Q When did you see it for the first time?

20 A The person who conducted the exit  
21 interview brought it to my attention.

22 Q Who was that person?

23 A Beverly Mate.

24 Q Was that at or about the time that the  
25 exit interview was conducted?

1 S. O'Neill

2 Spencer?

3 A You know, I really -- I don't recall when  
4 I found out.

5 Q Let me see if I can come at it at a  
6 different way.

7 At some point, Jesan Spencer got  
8 transferred into another position; is that correct?

9 A Yes.

10 Q She was no longer working for Ken Caruso?

11 A Yes.

12 Q Do you know when that took place?

13 A In April 2006, we started the discussion,  
14 but I can't recall the exact date that she went to  
15 the business information group. It was some time  
16 shortly thereafter.

17 Q In relation to her going to BIG, which is  
18 the business information group, when did you learn  
19 about the EEOC complaint?

20 A I don't remember.

21 Q Was it before or after her going to BIG?

22 A Really, I don't remember when I learned of  
23 it.

24 Q Was she still employed with the company  
25 when you learned of it?

1 S. O'Neill

2 A Yes.

3 Q Did Ms. Spencer want to be transferred to  
4 BIG?

5 A She requested a transfer.

6 Q To where?

7 A At first, it was a general request for a  
8 transfer.

9 Q Then after that, was she more specific?

10 A Jesan told me she had been interviewing  
11 for a position -- for an H/R position at McMillan,  
12 which is part of McGraw-Hill education.

13 Q She didn't get that job; is that correct?

14 A Yes.

15 Q Didn't she tell you that she did not want  
16 to be transferred to BIG?

17 A At first, Jesan seemed pleased about it.  
18 And then she changed her mind and said she didn't  
19 want to.

20 Q And she was specific as to why she didn't  
21 want to; isn't that correct?

22 A Yes.

23 Q She didn't want to have to work under  
24 Bill Harper?

25 A She said that she didn't want to work in

1 S. O'Neill

2 BIG with Bill. So, in some of these notes, I listed  
3 the reasons that she gave me.

4 Q How did it come to pass that she was  
5 transferred to BIG when she didn't want to be  
6 transferred to BIG?

7 A It came to be because Jesan did not want  
8 to have any kind of facilitated problem resolution  
9 session with Ken, and she had made it clear she  
10 didn't want to work for Ken. So, the opportunity  
11 that we could find was within the information and  
12 media group.

13 Q Who did you discuss that with?

14 A With Bill Harper.

15 Q Who else?

16 A Brett Marsche.

17 Q Anyone else?

18 A David Murphy.

19 Q When did you have that conversation with  
20 them that she should be transferred to BIG?

21 A I had the conversation with them that  
22 talked about where was there an opportunity for  
23 another assignment with them.

24 Q They said BIG?

25 A Because Brett Marsche was the senior H/R



1 S. O'Neill

2 person for information and media, there was an  
3 opportunity to move some head count and find a  
4 position working in BIG.

5 Q By putting Jesan in BIG, they were  
6 accommodating Ken Caruso's wishes, weren't they? He  
7 did not want her under his supervision; isn't that  
8 correct?

9 A No. He specifically said that he could  
10 work with Jesan Spencer.

11 Q You discussed the matter with Brett  
12 Marsche, David Murphy and Bill Harper; is that  
13 correct?

14 A Yes.

15 Q Were these three different conversations?  
16 Was this a meeting of some sort or was it more than  
17 one meeting? Can you please describe in what the  
18 circumstances were that these conversations were  
19 taking place?

20 A There was a meeting with Brett and Bill  
21 where we talked about --

22 Q And yourself?

23 A Yes. Yes.

24 And I can't recall if it was a meeting or  
25 phone call with Brett and David.

1 S. O'Neill

2 Q Let's take the first meeting. That first  
3 meeting was with Brett and Bill or was it the phone  
4 call that you're referring to? Which came first?

5 MR. RASIN: Objection.

6 Q You said there were two conversations.

7 A Yes. The first conversation was with  
8 Brett.

9 Q You and Brett?

10 A Brett and myself.

11 Q Was that in his office?

12 A I don't recall.

13 Q You don't know where it was?

14 A No.

15 Q Was anyone else present?

16 A No.

17 Q Do you know when that meeting took place?

18 A Well, it had to be in this same time  
19 period of, you know, the --

20 Q In the month of March?

21 A No. It was later.

22 Q April?

23 A Right. It was the end of April, early  
24 May.

25 Q End of April, early May.

1 S. O'Neill

2 What did Brett say to you at that meeting  
3 and what did you say to Brett?

4 A The first meeting was that Jesan had  
5 requested a transfer and that we should explore that  
6 and to look within information and media to see if  
7 there was another opportunity for her.

8 Q Is BIG information and media?

9 A Yes, it is.

10 Q Did she request a transfer to BIG  
11 specifically?

12 A No.

13 Q Did you tell that to Brett Marsche that  
14 she did not request a transfer to BIG?

15 A I said that she requested a transfer.

16 Q So that was the generic, general concept  
17 transfer?

18 A Yes.

19 Q In other words, "get me out from under Ken  
20 Caruso type" transfer?

21 MR. RASIN: Objection.

22 A I didn't understand it that way.

23 Q You didn't think that she was -- her  
24 request for a transfer was to get away from  
25 Ken Caruso?

1 S. O'Neill

2 A I understood her transfer was that it --  
3 she found it difficult working there and a transfer  
4 was a good solution that she was recommending.

5 Q The general sense of a transfer?

6 A Yes.

7 Q Brett Marsche did not mention to you her  
8 EEOC complaint, is that correct, in this  
9 conversation?

10 A I don't recall if he did or not.

11 Q You said this is around April or May?

12 A Right.

13 Q Of 2006?

14 A Right.

15 Q But you knew, at the time you met with  
16 Brett Marsche, that Jesan did not want to be  
17 transferred to BIG, correct?

18 A I'm not sure if I knew then.

19 Q When did you know?

20 A When I told -- when Jesan and I met and we  
21 discussed the opportunity at BIG, she told me that  
22 she didn't want to. And then we went for lunch and  
23 she told me the reasons why.

24 Q That was after you met with Brett for the  
25 first time to discuss this?

1 S. O'Neill

2 A Yes.

3 Q When did you meet with Brett and  
4 Bill Harper by phone or the second time?

5 A There are notes in here on the date. I  
6 just don't have it off the top of my head.

7 MR. SOLOTOFF: Let the record reflect the  
8 witness needs to look at the document, which is  
9 okay, by the way.

10 A It says here April 13.

11 Q Okay.

12 It was April 13th. Thank you.

13 On April 13, you had that meeting with  
14 Brett Marsche the second time and Bill Harper,  
15 correct?

16 A Yes.

17 Q And it was -- one of them was on the  
18 phone?

19 A You know, I can't remember if we were in  
20 my office. I think we were, but I'm not a hundred  
21 percent.

22 Q Did they tell you on April 13th that Jesan  
23 Spencer had filed an EEOC complaint?

24 A I don't know if they told me then. I  
25 don't know if they ever told me.

1 S. O'Neill

2 Q Okay.

3 You don't recall them telling you?

4 A No.

5 Q Now, on April 13, did you tell them that  
6 Jesan Spencer did not want to be transferred to BIG  
7 and her reasons why?

8 A Let me just look at something. I don't  
9 think I knew at that time what her specific  
10 objections were. It was after we met that Jesan  
11 told me the specific objections.

12 Q So is it closer to May?

13 A It was closer to May.

14 Q You had learned what her specific  
15 objections were transferring to BIG, correct?

16 A Correct. Right.

17 Q Who put in the orders -- I don't know what  
18 you call them, orders or form papers or whatever it  
19 is -- transferring Jesan Spencer to BIG?

20 A At that time, to initiate that, it was on  
21 a paper document. So, that would have to be  
22 initiated by Ken Caruso, and Bill would have  
23 provided the information about the new -- the  
24 accounting code and any other codes that were  
25 needed.